

**# 621 - BUSINESS MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS -MINUTES - MARCH 26, 2015**

The minutes of the March 26, 2015 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting *on April 23, 2015*.

The notice of the March 26, 2015 meeting has been mailed to the Star Ledger, Camden Courier Post, and Trenton Times newspapers, and has also been posted on the Bulletin Board at the Office of the Secretary of State, Trenton, New Jersey.

The Board meeting of March 26, 2015 was called to order at 9:00 am with the following Members in attendance:

Peter Voros, Chairman

Michael K. Maloney, Vice-Chairman

Michael L. Sestanovich, Secretary

James McManus, Jr.

Robert B. Reeve

Adam J. Sabath - **absent**

Paul N. Bontempo

Donald Dileo

Board Complement: (9): One (1) Vacancy remains for a Government Representative

Others in attendance:

The following individuals were in attendance from 9:00 a.m. until closing at 3:00 pm:

Joseph A. Donofrio, Counseling Deputy Attorney General (DAG)

Rosemarie Baccile, Acting Executive Director

Public visitors:

Thomas F. Walsh, LMP # 7854, Plumbing Subcode East Brunswick

Dan O’Gorman, LMP # 7656; David Geiger, LMP, Horizon Services

Walid Muhmoud, HIC Contractor

Susan Bischoff, State Shorthand Reporters

Pledge of Allegiance to the Flag

Chairman Peter Voros led the Board in the Pledge of Allegiance to the Flag and requested that Members join in a moment of silence in recognition of U.S. troops serving our Country.

APPROVAL OF THE MINUTES of the FEBRUARY 26, 2015 MTG.

A motion was made by Donald Dileo and seconded by Michael Sestanovich to approve the minutes of the February 26, 2015 meeting. A vote was taken and the motion unanimously passed.

BOARD BUSINESS

PRESENT BOARD MEMBERS - &- CAPACITIES

MAYOR PETER I. VOROS ~ MASTER PLUMBER MEMBER ~ CHAIRMAN

MICHAEL K. MALONEY ~ MASTER PLUMBER MEMBER - VICE CHAIRMAN

MICHAEL L. SESTANOVICH ~ INSPECTOR MEMBER - SECRETARY

ROBERT B. REEVE, LICENSED MASTER PLUMBER # 7388

JAMES MC MANUS, JR., JOURNEYMAN MEMBER

DONALD B. DILEO ~ PUBLIC MEMBER

PAUL N. BONTEMPO - PUBLIC MEMBER

ADAM J. SABATH ~ PUBLIC MEMBER

TOTAL BOARD COMPLEMENT (9): Vacancy /Government representative

◆ It is noted that applications for the Master Plumber's examination, Master Plumber's business registration forms, and Bona fide Representative registrations are reviewed by Board Members during the course of each business meeting. Applications for Medical Gas Piping installers, brazers and instructors are also reviewed at this time. ◆

- 1.) UNIFORM PENALTY LETTER - \$2,500 PENALTY PAID MARCH 9, 2015
\$7,150 RESTITUTION PAID MARCH 9, 2015

DETAILS: BATHROOM REMODELING - PLUMBING WITHOUT LICENSURE
ANTHONY GUIDO, UNLICENSED, T/A AGF ENTERPRISES, UNLICENSED
PATRICIA PAGE, CONSUMER, FILE ID: #95184

On March 26, 2015, the Board accepted the payment of the penalty and restitution.
The file was closed.

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- 2.) ENFORCEMENT BUREAU MEMORANDUM - DATED JANUARY 30, 2015

REVOKED MASTER PLUMBER

DENNIS P. MCNERNEY, LMP #7305, EXP. JUNE 30, 2009
40 RIVER ROAD, MONTAGUE, NJ 087827
DOB: SEPTEMBER 30, 1952
NJDL# M16971637709524 - ASSIGNMENT# 18-297-13-16

The Master Plumber's license of Dennis P. McNerney was revoked by the below Consent Order. Since the filing of the revocation, the Board learned on March 26, 2015, through the Enforcement Bureau, that McNerney was found guilty of two (2) additional charges, endangering the welfare of a child, which brings the resulting number of victims assaulted by McNerney, to a total of four (4).

CONSENT ORDER - DENNIS P. McNERNEY
REVOCATION OF LICENSE
License # 36BI00730500

TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY
FILED APRIL 23, 2013

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers ("the Board") upon receipt of information that Dennis P. McNerney ("respondent") was convicted on June 12, 2009 of Aggravated Sexual Assault (1st degree) on a victim at least 13 but less than 16 years old (N.J.S.A. 2C:14-2a(2)), and Endangering the Welfare of a Child (2nd degree) he had a legal duty to care for (N.J.S.A. 2C:24-4a). Respondent was sentenced to a six year custodial sentence.
(Continued)

Continued --

CONSENT ORDER - DENNIS P. McNERNEY

REVOCATION OF LICENSE

License # 36BI00730500

The information received also indicates that respondent was sentenced under the purview of the New Jersey Sex Offender Act. As a result, the judge ordered respondent to serve his sentence at the Adult Diagnostic and Treatment Center.

Respondent's plumbing license is currently suspended by application of N.J.S.A. 45:1-7.1b for failing to renew the license within 30 days of its expiration on June 30, 2009. Respondent was released from the Adult Diagnostic and Treatment Center on November 14, 2012 and subsequently sought reinstatement of his license. Respondent appeared before the Board on February 28, 2013 concerning his request for reinstatement. Respondent acknowledged the details of his offending behavior and acknowledged he is subject to parole supervision for life. Respondent is also subject to Megan's Law reporting requirements.

Following his appearance, respondent advised the Board by letter dated March 18, 2013, that he requested the "termination of my Master Plumber's License."

The Board finds that respondent's conviction for first degree Aggravated Sexual Assault involving a minor, as well as his conviction for second degree Endangering the Welfare of a Minor, are crimes involving moral turpitude and relate adversely to the activity regulated by the Board. Accordingly, the Board may take disciplinary action against respondent's license to practice as a master plumber in New Jersey pursuant to N.J.S.A. 45:1-21(f).

The parties having agreed to the resolution of this matter without formal proceedings, and respondent having agreed and given his voluntary consent to the within Order and waiving any right to a hearing in this matter, and the Board finding the within disposition adequately protective of the public health, safety and welfare, and other good cause having been shown;

IT IS, therefore, on this 23RD day of April, 2013,

ORDERED AND AGREED THAT:

1. *Respondent's license to practice plumbing in the State of New Jersey be and hereby is surrendered effective immediately. Such surrender is to be deemed a revocation of respondent's plumbing license, with prejudice. Respondent shall not hereafter apply for reinstatement of licensure.*

2. *Respondent shall immediately cease and desist from representing himself as a licensed master plumber in the State of New Jersey and cease and desist from practicing as a licensed master plumber in the State of New Jersey. Respondent agrees that any future employment or engagement in the practice of plumbing with a licensed plumbing contractor shall be consistent with the requirements of his parole supervision and Megan's Law requirements.*

3. *Respondent having previously surrendered his pressure seal to the Board, consistent with his suspension pursuant to N.J.S.A. 45: 1-7.1b, now consents to the permanent surrender of his pressure seal consistent with the terms of this Order.*

- 3.) A4101 - PROVIDES US ARMED FORCES AND RESERVES MEMBERS WITH PROTECTION AGAINST INTERFERENCE WITH THEIR EMPLOYMENT, TRADE OR BUSINESS - EMAIL: FROM FRANCESCA FLANAGAN - DATED JANUARY 26, 2015

On March 26, 2015, a motion was made by Robert Reeve and seconded by Michael Sestanovich, to state the Board's favor of this legislation. A vote was taken and the motion unanimously passed.

- 4.) LETTER REGARDING HOMEOWNERS EXEMPTION - DATED FEBRUARY 27, 2015
THOMAS WALSH, PLUMBING SUBCODE OFFICIAL, TOWNSHIP OF EAST BRUNSWICK

On March 26, 2015, a discussion was held concerning this correspondence, however, no formal comment was made.

- 5.) EMAIL REGARDING AUTOMATIC STANDBY GENERATORS -
DATED FEBRUARY 22, 2015
DWIGHT REYNOLDS, PROGENERATORS

On March 26, 2015, a motion was made by Michael Maloney and seconded by Robert Reeve to forward this inquiry to the Department of Community Affairs in Trenton, NJ.

A vote was taken and the motion unanimously passed.

- 6.) A4011 - AUTHORIZES RECITATION OF PLEDGE OF ALLEGIANCE BY PUBLIC BODY AT PUBLIC MEETING; PERMITS DISCRETIONARY COURT AWARD OF CERTAIN AWARD OF CERTAIN FEES AND COSTS TO PUBLIC BODY
EMAIL: FROM FRANCESCA FLANAGAN - DATED DECEMBER 17, 2014

On March 26, 2015, a motion was made by Donald Dileo and seconded by Michael Sestanovich, to state the Board's favor of this legislation. A vote was taken and the motion unanimously passed.

- 7.) CONTINUING EDUCATION (CE) - REQUESTING RE-APPROVAL, SPONSOR #32
2015 - 2017 NJ MASTER PLUMBER BIENNIAL LICENSE RENEWAL
COURSE OUTLINE - WILLIAM WHITE, LMP #8443

On March 26, 2015, a motion was made by Robert Reeve and seconded by James McManus to re-approve William White, LMP # 8443, as a Sponsor for CE and approve his course outline. A vote was taken and the motion unanimously passed.

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Reply to formal action ➤ DAG Donofrio advised that licensee Robert Fuhr responded to the Board via his attorney in reply to the below action. This review will be conducted in Executive Closed Session:

8.) PROVISIONAL ORDER OF DISCIPLINE - FILED JANUARY 22, 2015

IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF
ROBERT FUHR, LMP #10830
TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY

Respondent's license to practice as a master plumber in the State of New Jersey is hereby provisionally suspended, pursuant to N.J.S.A 45:1-21(e), for failing to cooperate with an investigation of the Board by failing to provide information in response to the complaint received from consumer L.G., in violation of N.J.A.C. 13:45C-1.3. Respondent's license to practice as a master plumber in the State of New Jersey will remain suspended until such time as respondent appears before the Board to answer questions and provide any requested documentation concerning the complaint received from consumer L.G.

9.) PSI, LLC - MASTER PLUMBER'S EXAMINATION - CODE TABLES

On March 26, 2015, subsequent to a discussion on the Master Plumber's examination now administered by PSI, a motion was made by Robert Reeve and seconded by Michael Sestanovich, to include the tables necessary for the applicants during the Master Plumber's examination. A vote was taken and the motion unanimously passed.

◆ It is noted that applications for the Master Plumber's examination, Master Plumber's business registration forms, and Bona fide Representative registrations are reviewed by Board Members during the course of each business meeting.

Applications for Medical Gas Piping installers, brazers and instructors are also reviewed at this time.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Michael Maloney and seconded by Donald Dileo to proceed into Executive Closed Session to review consumer complaint matters, conduct investigative inquiries, discuss unlicensed advertisements, unlicensed practice matters, consider administrative closings, investigations of possible violations of applicable law, pending or anticipated litigation, matters under investigation, the DAG caseload, and review matters within the attorney-client relationship exception to the Open Public Meetings Act. A vote was taken and the motion unanimously passed.

The subject of this discussion shall remain confidential until such time as the reasons for having this matter in Executive Closed Session are no longer applicable. The next meeting is scheduled for *April 23, 2015*.

A vote was taken and the motion unanimously passed.

Submitted by,

Rosemarie S. Baccile, Acting Executive Director